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## “HOT” so fast

Commentary on [Rowlands](#) on *Animal Personhood*

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**Abstract:** Mark Rowlands’s target article offers a lucid, systematic treatment of a notion of personhood that has had significant influence in philosophy. The orthodox interpretation of this notion of personhood has been that it requires cognitive capacities not possessed by animals. Rowlands disputes this. However, I think his objections to the orthodox, higher-order thought (HOT) theories of mental unity may be too quick. In this commentary, I show two separable places where Rowlands’s objection to HOT theories of mental unity falls short.

**Keywords:** higher-order thought, meta-cognition, self-awareness, personhood, mental unity, animal ethics, Rowlands, Locke

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### 1. Introduction

Metaphysical personhood is typically understood as meeting two conditions: (1) a mental life that is (2) *unified*. The orthodox view in Western analytic philosophy has long been that non-human animals fail to meet one or both of these conditions. Given scientific advances in our understanding of non-human animal minds, the contemporary orthodoxy is that non-human animals fail the second condition: mental unity. The orthodox view is that mental unity requires meta-cognition, a capacity probably not possessed by non-human animals. More specifically, mental unity is taken to require *reflective self-awareness*, which involves taking one’s own body, actions, or mental states as the objects of intentional higher-order thoughts (HOTs). Because personhood requires mental unity, and mental unity requires HOTs, non-human animals are not persons.

Rowlands rejects the orthodox view just rehearsed. Rowlands has written effectively against theories that appeal to HOTs, characterizing them as being motivated by “magical thinking” or as relying on the “miracle-of-the-meta.”<sup>i</sup> In the case of appealing to HOTs to account for mental

unity, Rowlands (2016) writes, “Not only is reflective self-awareness unnecessary for personhood, it can, in fact, never be the basis of personhood” (p. 12).

In this commentary, I offer two distinct arguments suggesting that Rowlands’s objection to HOT theories of mental unity is unsuccessful.

## **2. Rowlands’s Argument**

Rowlands’s objection to the orthodox appeal to HOTs to account for mental unity runs as follows. Accounting for the unity of a series of first-order thoughts by appealing to a second-order thought simply pushes the matter back by introducing the question of how that second-order thought is unified with the first-order thoughts.<sup>ii</sup> The obvious way to account for the unity of a given second-order thought with the first-order thoughts it allegedly unifies is to appeal to the fact that the former is *about* each of the latter. But Rowlands argues that this cannot work, because it presupposes precisely the unity for which it is intended to account.

To illustrate his objection, Rowlands introduces a series of first-order thoughts,  $a_1, a_2, a_3, \dots a_n$ , which he calls the A-series, and a second series of first-order thoughts that he refers to as the B-series. It could be that both series belong to the same thinker or that they belong to two different thinkers. On the theory under consideration, a given HOT unifies and is unified with the A-series and not with the B-series because it is *about* the A-series and not about the B-series. Rowlands (2016) objects to this, writing, “The claim that [the HOT] is about members of the A series and not the B series presupposes that A and B series are distinct series of mental states and processes” (p. 14). The problem with this presupposition of distinctness is that we cannot make sense of the notion of distinctness without having the notion of unity, which is precisely what we are trying to account for. So, the orthodox HOT theory of mental unity fails because it presupposes the unity it is meant to explain.

I offer two responses to Rowlands’s objection. The first is that his objection trades on a conflation of two notions of unity, and therefore if there is any presupposition of unity at play, it is not an illegitimate presupposition. The second is that there is in fact no presupposition at all, and *a fortiori*, no illegitimate presupposition.

### **2.1. An Objectively HOT Approach**

Consider the contents of a bag. They are unified by the bag in a sense that we can call unity<sub>1</sub>. Contrast this with the threads of your shirt. They are unified by the act of sewing in a sense we can call unity<sub>2</sub>. Rowlands’s argument against HOT theories of mental unity conflates these two notions of unity. He argues that a HOT cannot account for the unity of the members of the A-series of thoughts without presupposing that the A-series is distinct from the B-series and therefore that the A-series is unified, which is precisely what is meant to be accounted for. But the sort of unity presupposed by claiming that a HOT is about the A-series and not about the B-series is merely the sort of unity involved in distinguishing one set of things from another set of things. That is a different, much less demanding sort of unity from the unity at stake in the matter

of personhood. The unity at stake in personhood — mental unity — is a more akin to the unity of threads and cloth that have been sewn together. The unity at stake in merely distinguishing one set of things from another set of things is the sort of unity provided by a bag or a box to whatever its contents are.

If I am right, then a proponent of HOT can appeal to an objective basis, such as being generated by the same physical structure (e.g., a brain) to unify<sub>1</sub> the first order mental states and the corresponding HOT. Then, they can appeal to the fact that the HOT is *about* the first-order mental states to account for the unity<sub>2</sub> of the first-order mental states and the HOT. Appealing to the HOT to provide unity<sub>2</sub> of the first-order mental states will not wrongly presuppose unity of those states, because it merely presupposes unity<sub>1</sub>, which is established by the common physical structure that generated the states, whereas unity<sub>2</sub> is the phenomenon being accounted for by the appeal to HOTs.

## 2.2. Facts vs. Claims

My first response to Rowlands's objection to the orthodox HOT theory of mental unity assumes that Rowlands was right in claiming that a presupposition of unity is made by the orthodox view. I did not contest that a presupposition is made, but rather showed that the presupposition that Rowlands's objection trades on is not problematic. Here, I go on to suggest that there is in fact no presupposition at all, and *a fortiori* no problematic presupposition.

As quoted above, Rowlands writes, "The claim that [the HOT] is about members of the A series and not the B series presupposes that A and B series are distinct series of mental states and processes" (p. 14). But I don't see this at all; I don't understand the objection.

We could take Rowlands's assertion at face value and assume that when he uses the term "claims," which he does consistently in the section of his article dealing with this objection, he really means "claims."<sup>iii</sup> But we are concerned with the *fact* of whether a HOT is about some-or-other first-order thoughts, rather than with a *claim* to that effect. In asserting that HOTs account for mental unity, the assertion is that, *in fact*, a given HOT takes as its object various other mental states. If that *fact* is true, it serves as the truth-maker for the *claim* that the HOT is about the other mental states. Because the *fact* is logically prior to the *claim*, and because the HOT theory of mental unity requires facts, not claims, and because Rowlands's objection to the HOT theory of mental unity alleges that the *claim* presupposes the *fact*, Rowlands's objection to HOT theories of mental unity seems to fail.

## 3. Concluding Remarks

I have argued that Rowlands's objection to HOT theories of mental unity fails. It does not follow, however, that HOT theories of mental unity are correct, or even that they are superior to Rowlands's proposed alternative. Indeed, I agree with Rowlands that HOT theories of mental unity are almost certainly wrong. Consider an entity that intelligently navigates its environment, experiences sensory perceptions, sensory sensations, and emotions, and has memories of all of

these things. It stretches credulity beyond breaking to assert that such a being, in the absence of higher-order thoughts and the capacity for *reflective* self-awareness, is not a metaphysical person in the sense of being a subject of a unified mental life.

## References

Rowlands, M. (2012). *Can Animals Be Moral?* (New York, NY: Oxford University Press)

Rowlands, M. (2016). [Are animals persons?](#) *Animal Sentience* 2016.101

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<sup>i</sup> See, for example, pp. 14, 123, 171, and 183 of Rowlands (2012).

<sup>ii</sup> See pp. 12-13 of the target article for Rowlands's fuller exposition.

<sup>iii</sup> See the portion of Section 9 that is on p. 14 of the target article.